

Chapter 207. An Act to Permit Electronic Notification of Rulemaking for Interested Parties

Be it enacted by the People of the State of Maine as follows:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State must reduce expenditures as a result of a weakened economy; and

Whereas, technology exists to permit communications to be made via electronic rather than paper media; and

Whereas, the use of electronic media for communication would reduce the need of and greater costs associated with the use of paper media as well as be an environmentally sensitive means of disseminating information; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §8053, sub-§1, as amended by PL 1995, c. 373, §4, is further amended to read:

1. Notice of rulemaking without hearing. At least 20 days prior to the comment deadline of any rule without hearing, the agency shall deliver or mail written notice or, with written or electronic agreement of the party, provide electronic notice to:

- A. Any person specified by the statute authorizing the rulemaking;
- B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; and
- C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected.

Notification to subscribers under paragraph B must be by mail or, with written or electronically submitted agreement of the subscriber, electronic notice or otherwise in writing to the last address provided to the agency by that person. Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Written or electronic notice must also be given to the Secretary of State, by the deadline established by the Secretary of State, for publication in accordance with subsection 5. This notice must be in a format approved by the Secretary of State.

Sec. 2. 5 MRSA §8053, sub-§3-A, as amended by PL 1995, c. 373, §5, is further amended to read:

3-A. Copies of proposed rules available upon request. At least 20 days prior to hearing on any proposed rule and at least 20 days prior to the comment deadline of any rule without a hearing, the agency shall make copies of the proposed rule available in writing or, with agreement of the requestor, electronically to persons upon request.

Sec. 3. 5 MRSA §8053, sub-§4, as amended by PL 1981, c. 524, §9, is further amended to read:

4. Fee schedule. The agency may establish a fee schedule for notice and for proposed rules under subsection 1, paragraph B, imposing a cost reasonably related to the actual expense entailed. Fees may vary depending upon the method of transmission of notice and the rules being transmitted.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.